

Message Text

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PAGE 01 ROME 13745 241654Z
ACTION SCS-05

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TO SECSTATE WASHDC 6691

UNCLAS ROME 13745

E.O. 11652: N/A
TAGS: CARR
SUBJECT: ARRESTEE AND PRISONER SERVICES: DEPORTATION OF PETTY
NARCOTICS OFFENDERS
REF.: STATE 194251

1. AS DEPARTMENT AWARE, ITALIAN DRUG LAW PROMULGATED IN DECEMBER 1975 IN EFFECT DECRIMINALIZED POSSESSIO OF SMALL AMOUNTS OF NARCOTIC SUBSTANCES FOR PERSONAL USE. THE AMBIGUITY IN THE LAW (HOW MUCH IS A SMALL AMOUNT?) AND LACK OF INSTITUTIONAL FACILITIES TO IMPLEMENT MUCH OF THE LAW (THOUGH THERE ARE NO CRIMINAL PENALTIES FOR MERE POSSESSION, "ADDICTS" ARE REQUIRED TO SUBMIT TO TREATMENT AT REHABILITATION CENTERS THUS FAR LARGELY NON-EXISTENT), HAS RESULTED IN FEW ARRESTS AND PROSECUTIONS OF DRUG USERS. MOREOVER, THUS FAR THERE IS LITTLE UNIFORMITY IN THE APPLICATION OF THE LAW, WITH SOME MAGISTRATES CONTINUING TO PROSECUTE FOR POSSESSION.

2. IN ANY EVENT, IN OUR EXPERIENCE THE ARM OF ITALIAN LAW HAS NOT BEEN HEAVY ON AMERICAN CITIZEN DRUG OFFENDERS. ITALIAN AUTHORITIES DO NOT "THROW THE BOOK" AT DRUG OFFENDERS WHO HAPPEN TO BE AMERICAN CITIZENS AND INDEED COMMONLY DEPORT THEM (OR IN THE CASE OF MILITARY PERSONNEL, ASSENT TO THEIR DEPARTURE SUBJECT TO LATER TRIAL IN ABSENTIAL). U.S. CITIZENS ARRESTED FOR TRAFFICKING IN NARCOTICS HAVE INVAINRABLY BEEN FAIRLY TREATED AND SPEEDY ACCESS TO THEM HAS BEEN GRANTED TO
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CONSULAR OFFICERS AS WELL AS TO U.S. MILITARY AUTHORITIES IN THE CASE OF ARMED SERVICE PERSONNEL. ALTHOUGH ITALIAN LAW PERMITS PRETRIAL DETENTION OF UP TO ONE YEAR, CASES INVOLVING AMERICAN OFFENDERS GENERALLY RECEIVE EXPEDITIOUS TREATMENT. AMERICAN PETTY OFFENDERS IN ALL CATEGORIES ARE OFTEN RELEASED THOUGH IN VIOLATION OF LAW WHICH IN THE UNITED STATES WOULD USUALLY RESULT IN CONFINEMENT.

3. IN SUM, WE ARE SATISFIED THT THE CONCERNS EXPRESSED IN THE
REFTEL ARE NOT RELEVANT TO OUR EXPERIENCE IN ITALY. THE EMBASSY
WILL OF COURSE CONTINUE TO MONITOR THE SITUATION AND IN THE
UNLIKELY EVENT OF ABUSE WILL MOVE QUICKLY TO EXPRESS OUR INTEREST
TO GOVERNMENT OF ITALY AUTHORITIES.HOLMES

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